

# FLETCHER & SIPPEL LLC

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December 27, 2005

## **VIA ELECTRONIC FILING**

Mr. Vernon A. Williams  
Secretary  
Surface Transportation Board  
1925 K Street, N.W., Room 700  
Washington, DC 20423-0001

Re: **Finance Docket No. 34790**  
**Dakota Minnesota & Eastern Railroad Corporation – Temporary**  
**Trackage Rights Exemption – BNSF Railway Company**

Dear Secretary Williams:

On November 29, 2005, the Dakota, Minnesota & Eastern Railroad Corporation ("DME") filed in the above-captioned proceeding a verified notice of exemption pursuant to 49 C.F.R. § 1180.2(d)(7) to obtain certain trackage rights over rail lines in the state of South Dakota. Notice of the proposed transaction was served and published in the *Federal Register* on December 19, 2005. A petition to stay the proposed transaction was denied by decision served December 5, 2005, and DME's exemption became effective on December 6, 2005.

DME hereby advises the Board that it consummated the proposed transaction on December 27, 2005.

Respectfully submitted,



Myles L. Tobin  
Attorney for Dakota, Minnesota & Eastern  
Railroad Corporation

MLT: arw  
Enclosures.  
cc: Adrian L. Steel, Jr., Esq.